

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 20 November 2018 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe, Colin Murdoch, Margaret Robinson and Barry Taylor

Officers in attendance:

Leigh Palmer, Senior Specialist Advisor for Planning
James Smith, Specialist Advisor for Planning
Chris Wright, Specialist Advisor for Planning
Joanne Stone, Lawyer for Planning

Also in attendance:

Katie Maxwell, Committee Officer

60 Minutes of the meeting held on 23 October 2018.

The minutes of the meeting held on 23 October 2018 were submitted and approved and the Chair was authorised to sign them as an accurate record.

61 Apologies for absence.

An apology for absence was reported from Councillor Miah.

62 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Metcalfe MBE, declared a personal interest in minute 64 as he knew the objector in so far as he was the former owner of the objectors property. Councillor Metcalfe MBE was of the opinion that he did not have a prejudicial interest in the matter and remained in the room and voted thereon.

63 147 Priory Road. Application ID: 180865.

Demolish part of the existing dwelling and garage and erect a new detached bungalow and create an additional two off street parking spaces with new vehicular access – **ST ANTHONYS**.

Resolved: (Unanimous) That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

25840-01;

25840 11;

25840 14;

25840 16;

25840 17;

Flood Risk Assessment Ref: 06696-jmla-TP-00-RP-D-2110-S4-P02.

3. The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (28 August 2018) and the following mitigation measures detailed within the FRA:

a) Finished floor levels are to be set no lower than 3.5m AOD as stated in para. 7.6 of the FRA;

b) A site-specific Flood Emergency Evacuation Plan is implemented as part of the development, as stated in para. 7.6. This is because occupants have no access to safe refuge, thus require identification and provision of safe route(s) into and out of the site to an appropriate safe haven;

c) Site owners/occupiers sign up to the Environment Agency's Flood Warning Service as detailed in para. 7.6 of the FRA, in order for them to have sufficient time to evacuate the site in advance should it be required.

d) Appropriate flood resistance and resilience measures are to be incorporated within the development, as detailed in para. 7.6, to help prevent flood water entering the property and limit the damage caused to the structure and fittings;

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

5. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing dwelling at 147 Priory Road.

6. The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan 25840 11 to allow for 2 cars to be parked on each site. Thereafter, the parking and turning spaces shall be maintained in place throughout the lifetime of the development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no hardstanding or and/or car parking spaces shall be formed to the front of the dwelling, nor shall any vehicular access be provided from Priory Road or Wordsworth Drive.

8. The hard standing areas hereby approved shall be surfaced in porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard standing to a permeable or porous area or suitable soakaway within the curtilage of the property.

9. Prior to occupation of the approved dwelling, full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- a) proposed finished levels or contours;
- b) site boundary treatment;
- c) car parking layouts;
- d) hard surfacing materials;
- e) soft landscaping plans;
- f) written specifications (including cultivation and other operations associated with plant and grass establishment);
- g) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- h) implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Informative

The applicant will be required to enter into a Section 184 Licence with East Sussex Highways for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

**64 Langney Shopping Centre Car Valet, Langney, 64 Kingfisher Drive.
Application ID: 180931.**

Proposed change of use of part of the surface area car park to Langney Shopping Centre and construction of a single storey industrial building for use as a tyre fitting, tyre repair and wheel replacement premises containing four bays for customer vehicles and associated office, staff area and reception (Amended scheme following refusal of application 180257) – **LANGNEY**.

Mr Kifford addressed the committee in objection stating that this application did not differ from the previous one which had been refused. He also stated that there would be disruption from noise and smells and that it would be an eye sore for residents in Fern Close.

Councillor Tester, Ward Councillor, addressed the committee in objection stating that he agreed with Mr Kifford's comments and that the scheme was no different. The proposed use was not 'retail' and that Langney Shopping Centre was the second most important shopping centre outside of the town centre. He also felt that this proposal would jeopardise the long term sustainability of the site.

Mr Forland, applicant, addressed the committee in objection stating that the design of the building was modern and energy efficient with excellent sound proofing to mitigate resident's concerns. The building would be secure at night with CCTV and shutters to prevent vandalism and anti-social behaviour. The proposal would not include major mechanical works to vehicles and tyres would be stored and disposed of in an appropriate and environmentally friendly way. He also stated that the proposal would be adjacent to the B2191 which was well used and saw some 80 bus journey's per day.

The committee discussed the application and agreed that there had not been any significant changes to the scheme and that therefore their objections remained the same.

Resolved: (By 5 votes to 2) That delegated authority be given to the Interim Head of Planning to negotiate, with the applicants, a more suitable location for the proposed development, which would then be the subject of a further planning application.

2. Should the negotiations not provide a more suitable location then; permission be refused on the grounds that:

a. The proposed development by reason of its design, layout and appearance would result in a form of development that would incongruous and discordant with the prevailing pattern of development in the area and as such fails to maintain local distinctiveness. The scheme is found to be discordant with Policies Policy D10a of the Councils Core Strategy.

b. The proposed development would be considered to introduce an 'industrial activity' within this prime retail location and such may have an adverse impact upon the retail function, supporting car parking and thereby have the potential to impact upon the long term viability of this District Centre. The scheme is found to be discordant with Policy C8 and D4 of the Eastbourne Borough Plan.

Appeal

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

65 Savoy Court Hotel, 11-15 Cavendish Place. Application ID: 180826 (PPP) and 180827 (LBC).

Planning permission for conversion of existing hotel into 15 residential one bedroom self-contained flats (Listed Building Consent sought under application 180827) – **DEVONSHIRE**.

Resolved (180826) (A): (Unanimous) That subject to a subject to S106 legal agreement covering:

- a) Local labour initiatives and
- b) Affordable housing initiatives

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 16 August 2018:
 - 2995/3/00 – Location and block plans
 - 2995/3/01 'C' – Lower Ground Floor Plan as proposed
 - 2995/3/02 'B' – Upper Ground Floor Plan as proposed
 - 2995/3/03 'B' – First Floor Plan as proposed
 - 2995/3/04 'B' – Second Floor Plan as proposed
 - 2995/3/05 'C' – Third Floor Plan as proposed
 - 2995/3/06 'A' – Third Floor Plan as proposed
 - 2995/3/07 'C' – Front Elevation as proposed
 - 2995/3/08 'B' – Rear Elevation as proposed
 - 2995/3/09 'B' – Rear/Side Elevation as proposed
 - 2995/3/010 'B' – Section as proposed
 - 2995/3/11 'A' – Site Plan as proposed
 - 2995/3/12 'A' – LG Floor External Steps 13 Cavendish Place
 - 2995/3/13 'A' – LG Floor External Steps 11 Cavendish Place
3. The materials to be used must match as closely as possible, in type, colour and texture those listed in the Heritage Statement (note: summary of work Section amended 12/09/18) and Section 9 of the application.

4. The refuse and recycling storage areas and cycle storage areas shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times; details of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.
5. Prior to the first occupation of the development hereby approved details of the hard and soft landscaping to the rear yard area shall be submitted to and approved in writing by the local planning authority; and all existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with relevant British Standards (BS 5837:2012) for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.
6. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
- a) the anticipated number, frequency and types of vehicles used during construction,
 - b) the method of access and egress and routeing of vehicles during construction,
 - c) the parking of vehicles by site operatives and visitors,
 - d) the loading and unloading of plant, materials and waste,
 - e) the storage of plant and materials used in construction of the development,
 - f) the erection and maintenance of security hoarding,
 - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - h) details of public engagement both prior to and during construction works.
7. Prior to the first occupation of the development hereby permitted details of any external boundary treatments other than those agreed on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.
8. Prior to the first occupation of the development hereby permitted details of any replacement rainwater goods shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

9. New windows and external doors are to be of timber construction. No works shall commence on site until details of all new external windows and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at scale of not less than 1:10 and horizontal / vertical frame sections (including section through glazing bars) at not less than 1:2. These works shall be carried out in accordance with the approved details.

10. No external works shall commence until a scheme of decorative works is submitted and approved by the Local Planning Authority. This is to include colour samples of proposed new paint colours to the external joinery, painted render, ironmongery and canopies and the proposed new tile finish to the front entrances of No.s 11, 13 and 15.

11. That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously been agreed in writing by the Local Planning Authority.

12. No satellite dishes shall be installed to the front elevation of the building. Prior to the first occupation of the development hereby permitted a communal satellite dish shall be erected at roof level in a location agreed by the local planning authority and retained as such unless agreed in writing by the Local Planning Authority.

13. No part of the development may be occupied until such time as a mechanism for securing the removal of the loading bays to the front of the site on Cavendish Place has been agreed in writing by the Local Planning Authority.

14. No part of the development shall be occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Service Management Plan.

15. Site Waste Management shall be undertaken in accordance with the approved plan, dated August 2018

16. No bonfires or burning of waste materials shall take place anywhere on the site at any time.

Resolved (180827 LB) (B): (Unanimous) That permission be granted subject to the following conditions:

1. Time limit
2. Approved plans
3. Materials
4. The cycling and refuse accommodaton to be provided prior to the first occupation

5. Hard and soft landscaping to include tree protection
6. Construction method statement
7. External boundary treatments
8. Rainwater goods
9. External joinery details
10. External decorative scheme
11. Demolition, site clearance or building operations hours
12. Satellite dishes
13. Removal of the loading bays
14. Servicing management plan
15. Site waste management
16. Waste materials

Informative

1. The development hereby approved is subject to a Section 106 Agreement between the applicant and Eastbourne Borough Council for local labour contributions.
2. The development hereby approved is subject to a Section 106 Agreement between the applicant and Eastbourne Borough Council for affordable housing contributions.
3. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
4. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
5. The applicant should consult the Building Control Section with regard to sound insulation and sprinkler system.
6. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
7. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H of the Building Regulations prioritises the means of surface water disposal in the order
 - a) Adequate soakaway or infiltration system
 - b) Water course
 - c) Where neither of the above is practicable sewer
8. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on site.
9. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

10. In order to provide a safe and secure environment for future residents, Sussex Police suggest the following recommendations are implemented:

- Communal entrance doors are to be checked to ensure they are fit for purpose and have locks that conform to BS3621 / 8621 respectively, and has a door entry system compete with remote access from the flats. Access control would be advantageous.
- Flat front doors to conform to PAS 024-2016.
- Postal arrangements for the flats are through the wall, external or lobby mounted secure postboxes. It is strongly urged the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.
- Ground floor and any easily accessible windows are to conform to PAS 024-2016.
- Internal resistance measures to be incorporated into party walls and shared corridors to any stud partition walls.
- The fitting of dusk till dawn vandal resistant lighting to all entrance door including the lower basement entrances.
- The gating to the rear of the properties should be lockable from both sides.

66 Unit 7 and 8, The Crumbles. Application ID: 180666/7.

180666 - Change of use of Unit 7 (ground and first floor) from a cinema (Use Class D2) to retail (Use Class A1) and **180667** - Extension of existing mezzanine floor in Unit 7 to be used for retail purposes (Use Class A1) – **SOVEREIGN**.

Mr Wilks addressed the committee on behalf of the applicant stating that smaller units would increase the varied offer for patrons, and the units would not impact on the town centre retail offer. He further stated that they would be filled by companies that would not wish to occupy a town centre location.

The committee was advised, by way of an addendum report, that the applicants had reviewed the conditions attached to the report and had requested amendments to the attached conditions. The committee considered the amendments and felt that it was important to retain larger units given that the existing smaller unit – formally Blockbusters – close to the application site had remained vacant.

Resolved: (Unanimous) That delegated authority be granted to the Interim Head of Planning to amend condition 4 (prior to the issue of the decision notice) as necessary to ensure it does not prevent the sub-division of the site into 2 units and that otherwise permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-
2051 URB U7 [08] 00 01 Revision D00;

2051 URB U7 [08] 00 05 Revision D00;

2051 URB U7 [08] 10 02 Revision D00;

Travel Plan produced by Motion and dated 09/10/2018;

3. Upon the occupation / commencement of use, the applicant shall implement the measures incorporated within the approved travel plan. The applicant shall thereafter monitor report and subsequently revise the travel plan as specified within the approved document.

4. The approved retail unit shall not be subdivided to create a unit with a floor space of less than 1500 m².

5. Notwithstanding the provisions of the Town and Country Planning Use Classes Order, the retail use hereby approved shall not be permitted to sell to any extent (other than ancillary) any items from the following list unless the end user has been named and agreed in writing by the Local Planning Authority:-

- Fashion (clothing)
- Footwear
- Sportswear
- Children's wear
- Toys
- Food (falling within Use Class A1)

6. The unit(s) shall not be open to customers outside of the following times:

08:00 – 20:00 Mondays to Saturdays

10:30 – 16:30 Sundays and Bank Holidays

7. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The quantum provided must meet or exceed the ratio of 10 short term spaces, plus 1 long-term space for every 10 full-time staff member. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

67 South Downs National Park Authority Planning Applications.

There were none.

68 Appeal Decision - 5 Fastnet Close.

The Inspector dismissed the appeal.

Resolved: That the Inspector's decision be noted.

The meeting ended at 7.25 pm

Councillor Jim Murray (Chair)